

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF TEXAS
FORT WORTH DIVISION**

TEXAS, KANSAS, LOUISIANA,
INDIANA, WISCONSIN, and
NEBRASKA,

Plaintiffs,

V.

UNITED STATES OF AMERICA,
UNITED STATES DEPARTMENT
OF HEALTH AND HUMAN
SERVICES, XAVIER BECERRA, in
his official capacity as Secretary of
Health and Human Services,
UNITED STATES INTERNAL
REVENUE SERVICE, and
CHARLES P. RETTIG, in his official
capacity as COMMISSIONER OF
INTERNAL REVENUE,

Defendants.

Civil Action No. 7:15-cv-00151-O

JOINT STATUS REPORT

Plaintiffs and Defendants (collectively, the “Parties”), by and through their respective counsel, and pursuant to the Court’s April 16, 2021 Order, ECF No. 168, provide the following status report:

1. This Court entered a final judgment on July 30, 2019. *See* ECF No. 156.
2. Plaintiffs, except for Wisconsin, and Defendants appealed. *See* ECF Nos. 161, 162.
3. The Fifth Circuit issued its decision on July 31, 2020. *See Texas v. Rettig*, 968 F.3d 402 (5th Cir. 2020). The Fifth Circuit subsequently withdrew that opinion, substituting it with *Texas v. Rettig*, 987 F.3d 518 (5th Cir. 2021). The Fifth Circuit affirmed in part, reversed in part, dismissed in part, and vacated in part, rendering judgment for the United States. *Id.* at 536-37.

4. Plaintiffs filed a petition for rehearing *en banc*, which the Fifth Circuit denied, over a dissent, on April 9, 2021. *See Texas v. Rettig*, No. 18-10545, 2021 WL 1324382 (5th Cir. Apr. 9, 2021).

5. This Court directed the parties to file a joint status report within 10 days following exhaustion of all appellate avenues. *See* ECF No. 168.

6. Plaintiffs then filed a petition for a writ of certiorari, which the Supreme Court denied on March 28, 2022. *See Texas v. Commissioner of Internal Revenue*, No. 21-379, 2022 WL 892263 (Mar. 28, 2022).

7. The Fifth Circuit has rendered judgment for the United States in this matter, and all appellate avenues have now been exhausted. Defendants respectfully submit that, consistent with the Fifth Circuit's mandate, this Court should enter a final judgment in Defendants' favor and direct the Clerk to close this case. Plaintiffs take the position that the Fifth Circuit rendering judgment obviates any need for this Court to separately issue a judgment and, thus, respectfully request that the Court simply direct the Clerk to close the case.

WHEREFORE, Defendants respectfully request that this Court enter a final judgment in Defendants' favor and direct the Clerk to close this case, and Plaintiffs respectfully ask that the Court direct the Clerk to close this case.

Respectfully submitted this 7th day of April, 2022.

For Plaintiffs Texas, Kansas, Louisiana, Indiana, and Nebraska:

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CERTIFICATE OF CONFERENCE

I hereby certify that Plaintiffs' counsel jointly prepared this status report with Defendants' counsel.

/s/ William T. Thompson
WILLIAM T. THOMPSON

CERTIFICATE OF SERVICE

I hereby certify that on April 7, 2022, I electronically filed the foregoing document through the Court's ECF system, which automatically serves notification of the filing on counsel for all parties.

/s/ William T. Thompson
WILLIAM T. THOMPSON